

REMARKS

The status of the claims is as follows.

Claim 1-5 (Currently Amended)

Claims 6-20 (Previously Added)

As a result of the foregoing Amendment, the following claims remain pending in the application: 1-20.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 5,193,057) in view of George (U.S. Pat. 5,946,668) and further in view of Bern (U.S. Pat. 5,138,549). It is the Examiner's position that Longfield teaches a system for providing a loan to a taxpayer comprising historical refund data, year to date income information, year to date expense information, a processor adapted to process data, and a loan provided to the taxpayer. It is the Examiner's position George teaches a system for funding a home investment trust wherein the tax refund is estimated in order to fund the trust and is done over time to produce a historical record. Finally, it is the Examiner's position that Bern teaches a trend analysis in the establishment of tax vouchers and the tracking of a depositor's deposit patterns and producing a paper trail of all tax deposits historically as well as storage of tax deposit information to provide historical data on tax liabilities and habits. The Examiner believes it would have been obvious to one of skill in the art at the time of

the invention to combine Longfield in view of George and further in view of Bern to teach Applicant's invention.

Applicant has amended claims 1-5 to indicate that an estimated tax refund amount is determined based on information available prior to the end of the current tax year as well as historical tax refund data, that the taxpayer is given a loan based on the estimated tax refund, that a tax return is filed for the taxpayer, and the taxpayer's refund is applied to the loan based on the estimated tax refund. In view of Applicant's amended claims, Applicant respectfully traverses the rejections. Applicant respectfully submits that Longfield, George, and Bern references do not disclose the teachings suggested by the Examiner, and that when combined, they do not teach or even suggest Applicant's invention.

The Examiner states that Longfield teaches use of year-to date-income information and year-to-date expense information that is processed to provide a loan to a taxpayer. Applicant respectfully disagrees. Applicant respectfully submits that Longfield is directed only to preparation and filing of a tax return using data for the entire tax year to determine an anticipated refund amount used to secure a loan. Because Longfield teaches a refund anticipation loan based on the preparation and filing of a tax return, the taxpayer must provide complete income and expense data for the entire tax year. Applicant respectfully submits that Longfield does not teach or even suggest that income and expense information up to a date prior to the end of the current tax year may be used to prepare the taxpayer's tax return. Applicant respectfully submits that Longfield teaches away from the present invention because it teaches that a tax return

is prepared and filed as part of the refund anticipation loan process. Incomplete income and expense information cannot be used to prepare and file the tax return, and contrary to the Examiner's assertion, Longfield simply does not teach or suggest any use for income and expense information that relates to a date prior to the end of the current tax year.

The Examiner also states that Longfield teaches use of historical tax refund data. Applicant respectfully disagrees and submits that in teaching preparation of the tax return for the current tax year, Longfield simply does not teach or even suggest use of historical tax refund data. Only complete tax return data for the current tax year is used to prepare and file the tax return. Applicant respectfully submits that Longfield teaches only processing of information for the current tax year in order to determine the taxpayer's current tax liability and does not disclose use of tax refund data from prior years for the purpose of estimating a tax refund prior to the end of the current tax year.

The Examiner further states that the George reference teaches a system for funding a home investment trust wherein the tax refund is estimated in order to fund a trust. The Examiner states that Bern teaches trend analysis in the establishment of tax vouchers and the tracking of a depositor's deposit patterns and producing a paper trail of tax deposits performed historically. It is the Examiner's position that the motivation to combine Longfield and George is to teach the funding of a liability by a tax refund credit. It is the Examiner's position that the motivation to combine Longfield in view of George and further in view of Bern is to teach a documentation system for tax

deposits and accounts of a taxpayer which can be used as historical data for trends and which may be used to estimate loanable funds based on anticipated refunds.

Applicant respectfully submits that there is no motivation in the references to combine them as suggested by the Examiner and that when combined, they simply do teach Applicant's invention. None of the references cited by the Examiner suggest the desirability of combining the tax preparation and refund anticipation loan system of Longfield with the trust funding system of George or the tax deposits and accounts documentation system of Bern in order to estimate loanable funds. Although the Examiner cites the benefits of the combination, there is no suggestion or teaching in any of the references that suggest a combination as proposed by the Examiner. Neither the George nor the Bern references are related in any way to providing loans to taxpayers. Longfield, which relates to providing loans to taxpayers, teaches away from the present invention by teaching the preparation and filing of a tax return as part of the refund anticipation loan process. Applicant respectfully submits therefore, that the George and Bern references cannot be combined with the Longfield reference to support the present rejections. In Applicant's invention, the taxpayer is able to obtain a loan based on an estimated tax return in advance of the end of the current tax year. At the end of the tax year, the taxpayer prepares and files a tax return and applies the actual refund to the loan.

Independent claims 1-5 have been amended to indicate that loans according to the present invention are made prior to the end of the current tax year based on information that is available prior to the end of the current tax year and therefore, before

the taxpayer has completed his or her tax return. Applicant respectfully submits that none of the references cited by the Examiner teach or suggest granting of loans to taxpayers prior to the end of the current tax year, and therefore, the claims are allowable as written.

Respectfully submitted,

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